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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/034,051	12/27/2001	Gilbert Kwok	P12698-PURA	1679
<div>Roger S. Burleigh MS/EVW2-C-2 6300 Legacy Drive Plano, TX 75024</div>				
			<div>EXAMINER LIU, I JUNG</div>	
			<div>ART UNIT 3691</div>	<div>PAPER NUMBER</div>
			<div>MAIL DATE 08/21/2007</div>	<div>DELIVERY MODE PAPER</div>

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action Before the Filing of an Appeal Brief	Application No. 10/034,051	Applicant(s) KWOK ET AL.	
	Examiner Marissa Liu	Art Unit 3691	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 30 July 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:
- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
- Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
- (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ They raise the issue of new matter (see NOTE below);
- (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.
- NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL -324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: _____.

Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet

12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____

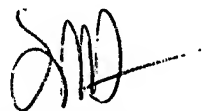
13. ☐ Other: _____.

Continuation of 11. does NOT place the application in condition for allowance because: The applicant argue that Van Rensburg et al. fail to teach "receiving a request for an electronic transaction at a vendor system". The examiner dis agrees. Rensburg et al. discloses "a system for conducting commercial transactions in an economic environment including a plurality of merchants (i.e. vendor) ..." and "communicating with vendors" (abstract, page 2, paragraph 0026 and pages 4 -5, paragraph 0052). Therefore, Van Rensburg et al. discloses the claimed limitation. The examiner notes that the applicant claims "receiving a request for an electronic transaction at a vendor system" not "a request for an electronic transaction is first sent to sender". The applicant agrees that the language used in the prior arguments may not be the exact words used in the claims. The applicant further argues that neither Van Rensburg nor Atkins teaches the claimed limitation "transmitting, in response to receipt of said request for an electronic transaction, a request for authorization from said vendor system to a transaction authorization system". The examiner disagrees. Van Rensburg et al. discloses "mercahtn and participating vendor enable a participating syste m member, by suitable activation of that member's modbile device ... At some stage prior to a transaction being completed, and this may be included with the intial message, the instructing participating system member is required to transmit an authenticacata ting securty code" (abstract and page 2, paragraph 0025). Therefore, Van Rensburg et al. discloses the limitation.

In response to applicant's argument, "that the transaction authorization system then transmits a request for confirmation to a messaging system associated with a wireless telephony system" is not directly to the exact phrase of claim 1 or claim 12 in the pending claims. In claim 1 or claim 12, applicant claims "transmitting, in response to receipt of said request for authorization, a request for confirmation from said transaction authorization system to a messaging system associated with said wireless telephony system". Van Rensburg et al. discloses "participating system member, by suitable activation of the member's mobile device, typically a cellular telephone, in remote location, to conduct a financial transaction by debiting a financial data base record allocated to the instructing participating system member. At some stage prior to a transaction being completed, and this may be included with the initial message, the instructing participating system member is required to transmit an authenticating security code" (see abstract and page 2, 0026 and page 4, 0040). Therefore, Van Rensburg et al. discloses the limitation.

In response to applicant's argument, "that the wireless telephony system then transmits a message to the wireless telephone associated with the telephone number" is not directly to the exact phrase of claim 1 or claim 12 in the pending claims. In claim 1 or claim 12, applicant claims said messaging system transmitting, in response to receipt of said request for confirmation, a message to said wireless telephone associated with said telephone number. Van Rensburg et al. teaches for the programming of both mobile telephone and the general computerized server to ensure that a t least messages concerning financial transactions are encrypted and decrypted in suitable manner; and for a participating system members' financial data base record to be identified at least in part, by the relevant cellular telephone number (see abstract, page 2, 0026 and page 4, 0040). Therefore, Van Rensburg et al. discloses the claimed inve ntion.

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See In re Keller, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); In re Merck & Co., 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).



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PRIMARY EXAMINER